

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARK TYLER ANTHONY,

Petitioner,

v.

CASE NO. 05-CV-71299-DT  
HONORABLE DENISE PAGE HOOD

DOUG VASBINDER,

Respondent.

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**ORDER DENYING PETITIONER'S MOTIONS**  
**FOR REHEARING,**  
**FOR INJUNCTIVE RELIEF,**  
**FOR IMMEDIATE CONSIDERATION,**  
**FOR AN EVIDENTIARY HEARING,**  
**AND FOR AN EMERGENCY HEARING**

Petitioner Mark Tyler Anthony initiated this action by filing a *pro se* application for the writ of habeas corpus under 28 U.S.C. § 2254. The habeas petition attacked Petitioner's 1989 convictions for first- and second-degree criminal sexual conduct. On April 29, 2005, the Court transferred the habeas petition to the United States Court of Appeals for the Sixth Circuit as a second or successive habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A); *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997). Petitioner subsequently moved to reinstate his habeas petition, but the Court denied his motion on the ground that it lacked jurisdiction to consider his claims. The Court of Appeals subsequently dismissed Petitioner's appeal for want of prosecution. *See In re Mark Anthony*, No. 05-1593 (6th Cir. Sept. 8, 2005).

Currently pending before the Court are Petitioner's motions for rehearing, for a temporary restraining order and preliminary injunction, for immediate consideration, for an evidentiary hearing,

and for an emergency hearing and rehearing *en banc*. See Docs. 13 and 17-20. These motions are DENIED, because the Court of Appeals has not authorized Petitioner to file a second or successive habeas petition, and “a district court cannot address the merits of a second or successive habeas corpus petition until the court of appeals has authorized the filing of the petition under § 2244(b)(3). . . .” *In re King*, 190 F.3d 479, 482 (6th Cir. 1999).

Accordingly,

IT IS ORDERED that Petitioner’s Petition for Rehearing Pursuant to Order Denying Petitioner’s Motion and Petition for Reinstatement of Case, Seeking “Sua Sponte” Review by an En Banc Court [**Docket No. 13, filed August 21, 2006**] is DENIED.

IT IS FURTHER ORDERED that Petitioner’s Motion for Temporary Restraining Order and Injunction [**Docket No. 17, filed September 5, 2006**] is DENIED.

IT IS FURTHER ORDERED that Petitioner’s Motion for Immediate Consideration [**Docket No. 18, filed September 27, 2006**] is DENIED.

IT IS FURTHER ORDERED that Petitioner’s Motion for Evidentiary Hearing [**Docket No. 19, filed October 19, 2006**] is DENIED.

IT IS FURTHER ORDERED that Petitioner’s Petition for Emergency Hearing on Injunction and Suggestion for Rehearing En Banc [**Docket No. 20, filed November 17, 2006**] is DENIED.

s/ DENISE PAGE HOOD  
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DENISE PAGE HOOD  
UNITED STATES DISTRICT JUDGE

Date: December 30, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 30, 2006, by electronic and/or ordinary mail.

s/William F. Lewis  
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Case Manager